

## Central Valley Flood Protection Plan

# Agenda Agricultural Stewardship Scope Definition Joint Subcommittee Meeting #4

**April 15, 2010, 1 p.m. – 4 p.m.**

**Location: Department of Water Resources  
Central Valley Flood Planning Office  
3464 El Camino Ave, Suite 150  
Sacramento, CA 95821**

### ATTENDED:

Name	Organization	Status
Anderson, Ray	Retired Farmer	Member
Brown, John	Central Valley Flood Protection Board	Observer
Capuchino, S. Leo	City of Mendota	Member
Chang, Joseph	DWR, Flood Maintenance Office, DFM	Member
Doherty, Lady Bug	Central Valley Flood Protection Board	Observer
Ellis, Tom	Sacramento West Side Levee District, Land owners in the Colusa Basin, Member of the Board of Directors of Colusa County Farm Bureau	Member
Medders, Karen	North Delta CARES	Member
Pegos, David	California Department of Food and Agriculture	Member
Rabone, Geoff	Merced Irrigation District	Member
Sutton, Susan	Family Water Alliance, rice farming	Member
Kirby, Ken	Kirby Consulting Group	Kirby Consulting
McManus, Dan	DWR	Team DWR Lead
Moyle, Craig	MWH Americas	Team Facilitation Lead
Ng, Michele	DWR	Team CVFPO Rep.
Putty, Roger	MWH Americas	Team Technical Lead
Swanson, Keith	DWR	FloodSAFE Executive Sponsor
Tollette, Alexandra	MWH Americas	Team Facilitation Support

### ABSENT:

Name	Organization	Status
Berry, Julia D.	Madera Farm Bureau	Member
Blodgett, Bruce	San Joaquin County Farm Bureau	Member
Bonea, Ryan P.	Sutter County RCD; Yuba County RCD	Member
Bruce, Todd William	Dutra Group, Solano/Yolo Air Resources Control Board	Member
Canevari, Mick	University of California Cooperative Extension	Member

## Meeting Summary: Agricultural Stewardship Scope Definition Joint Subcommittee Meeting 4

Carey, Phil	DWR, Sacramento Maintenance Yard, DFM	Alternate (Eckman)
Fredrickson, Justin	California Farm Bureau Federation	Member
Lang, Kent	RD 537, RD 1000 O&M	Member
Martin, Mari	Resource Management Coalition	Member
Miramontes, Tim	Yolo County Farm Bureau; California Rice Commission; California Farm Bureau Rice Advisory Committee; Yolo County (Yolo Bypass and District 108 areas)	Member
Perrone, Michael	DWR	Member
Richter, David	Sutter Basin grower	Member
Roscoe, Terry	California Department of Fish and Game	Member
Sakato, Max	Reclamation District No. 1500	Member
Scheuring, Chris	California Farm Bureau Federation	Member
Sevelius, Pia	Butte County RCD	Member
Tatayon, Susan	The Nature Conservancy	Member
Taylor, William J.	Bureau of Reclamation	Member
Van Ruiten, Anthony	Van Ruiten Brothers	Member
Wallace, William Jr.	Landowner	Member
Zezulak, David	California Department of Fish and Game	Member
Bishop, Erica	MWH Americas	Team Technical Support

### ACTION ITEMS:

#### SUBCOMMITTEE MEMBERS

1. Send the Subcommittee support team preference on use of DWR legal counsel's wording for the "eminent domain" principle in the Important Consideration paper. (Due: 4/22/10)
2. Provide final comments or approval of Important Considerations paper by the final Regional Conditions Work Group meeting, which is the end of Phase 1. (Due: 5/6/10)

#### SUBCOMMITTEE SUPPORT TEAM

1. Incorporate Subcommittee's agreed-upon changes to the Important Considerations paper and circulate for Subcommittee's final review/approval. (Due: 4/23/10)
2. Distribute final draft of Important Considerations paper upon receipt of final Subcommittee comments.

### MEETING OVERVIEW

During this fourth meeting of the Agricultural Stewardship Scope Definition (AGSD) Joint Subcommittee, members learned how the *Regional Conditions Report – A Working Document* (RCR) incorporates both the Subcommittee's perspective as well as the problems and opportunities and the principles the group identified in its Important Considerations paper; reviewed and agreed on revisions to the Important Considerations paper suggested by DWR, the California Department of Fish and Game (DFG), and the California Central Valley Flood Control Association's Sacramento Valley Flood Control Action Workgroup (SVFCAW); developed a plan to finalize the Important Considerations paper; and, learned about opportunities for continued

engagement during upcoming Phase 2 for development of Central Valley Flood Protection Plan (CVFPP) content.

## MEETING GOALS

1. Ensure a shared understanding of Subcommittee contributions to the RCR
2. Complete Important Considerations paper
3. Conclude Subcommittee's Phase 1 commitment

## SUMMARY

### 2012 CVFPP Planning Activities and Accomplishments/Phase 2 Planning and Engagement

Keith Swanson and Ken Kirby led a discussion of changes to the planning process for the 2012 CVFPP that have occurred since the Subcommittee last met and the products that have resulted from the soon-to-conclude Phase 1 plan development process.

DWR, the Division of Flood Management (DFM), and the Central Valley Flood Planning Office (CVFPO) have all undergone significant management and staff changes. Additionally, DWR began a concerted effort to better integrate all pieces of FloodSAFE into the planning process.

The CVFPP development process is now envisioned as a four-phase undertaking:

- Phase 1, in which regional work groups, topic work groups, and the Subcommittee identified existing conditions and needs, is coming to a close. The work from Phase 1 is synthesized into the RCR and *Interim Progress Summary No. 1* (IPS1), which was originally the *Regional Conditions Summary*. Links to PDFs of both have been delivered to all work group members via email. All of the topic work groups convened in Phase 1 were intended to determine the scope of various issues to be addressed in the CVFPP, and this work is now largely complete.
- Phase 2 focuses on identifying management actions—single actions or strategies that could be taken to reduce flood risk management.
- Phase 3 will refine these management actions into solution sets by region.
- Phase 4 will build systemwide solutions from the regional solutions and determine overall levels of agreement about which are most appropriate.

Phase 2 is the part of the planning process people have been most eager to reach; most work groups, including the Subcommittee, suggested potential management actions throughout the past several months. Phase 1 captured a range of conflicting perspectives, but in this next phase we bring them together to weigh in on management actions. Regional work groups will be the primary venue for identifying management actions, but topic work groups will also be formed. Two rounds of public workshops are also planned to allow everyone to meet and discuss very defined groups of management actions or their applications. Workshops might be held on reservoir reoperation, emergency response and recovery, finance, storage, or agricultural/rural community-specific issues, for instance. Workshops will be publicized to all work group members, and through the web, email blasts, news releases, and the forthcoming FloodSAFE newsletter.

**Important Considerations paper and Subcommittee contributions to the *Regional Conditions Report – A Working Document***

Roger Putty described processes to develop the RCR and IPS1 and explained both documents' purposes, and Alexandra Tollette presented a handful of examples of how the Subcommittee's content was integrated into the RCR.

The RCR was produced to define current conditions and future challenges related to flood management in the Sacramento-San Joaquin Valley, including problems and opportunities, as well as goals, principles, and objectives. It reflects State, federal, tribal, local, regional, and other perspectives. The document will be used to complete an environmental baseline for programmatic California Environmental Quality Act (CEQA) compliance analysis. Diverse work group input resulted in different, and sometimes conflicting, perspectives on problems and opportunities.

A few examples of the Subcommittee's input and perspectives from the Important Considerations paper reflected in the RCR:

- Levee Performance Dichotomy/Tiered Levels of Protection (RCR § 3.1.5-3.1.6)
- Agricultural Economic Recovery Post-Flood (RCR § 3.1.9)
- Flood Risks from Changed System Conditions (RCR § 3.1.1)
- RCR Chapter 4, "Principles": Recognize the broad benefits provided by agriculture, and integrate flood management system improvements that help support a sustainable agricultural economy.

The Important Considerations paper builds a base of knowledge and understanding within DWR and among plan development partners about the agricultural community's perspectives as the planning process moves forward, but does not represent the extent of their engagement in the process or preferences for plan elements. Some Subcommittee members were concerned that the more specific concerns and points in their paper had been watered down in the RCR; however, this group's paper—as with all topic work group products—will be listed as a key reference for the RCR and for the 2012 CVFPP, and will be publicly accessible.

**Review and Decision on Recent Important Considerations Paper Comments**

Craig Moyle and Alexandra Tollette highlighted changes suggested for the Important Considerations paper since the last review draft was distributed to Subcommittee members in February. These revisions were suggested by DWR, DFG, and SVFCAW.

Subcommittee members in attendance felt that the suggested addition from DFG on page 4-3, "Vegetation established for wildlife habitat should be maintained to facilitate flood flows, as well as avoiding impacts to wildlife species using the area," was well-covered elsewhere in the paper's "Principles" and "Suggested Actions" sections and did not belong in this problem and opportunity statement. The edit was marked for removal.

DWR's legal counsel suggested that the group use the following principle related to eminent domain:

“All land acquisitions funded by Propositions 1E and 84 shall be accomplished in compliance with all applicable State and federal laws, including constitutional provisions requiring the payment of just compensation for any taking or use of private property. Any use of eminent domain for acquisitions funded by Propositions 1E and 84 shall be in full compliance with State eminent domain law, including any restrictions on the extra-territorial exercise of eminent domain authority.”

The above text would replace the existing eminent domain principle, which says: “Apply any eminent domain powers in connection with flood protection consistent with the sponsoring agency’s land use authorities and the law.” Subcommittee members agreed to consider the principle during the next week and provide approval or comments to the technical team by April 22, 2010.

To indicate their preferences for restoring the flood management system to its conditions as designed, Subcommittee members decided to add the following clarifying language in a footnote to the first reference to “design” in the Important Considerations paper: “As described in DWR’s forthcoming Flood Control System Status Report.”

#### **Group Recap and Action Items**

The Subcommittee and technical support team agreed that the group’s Important Considerations paper will be finalized by the last Regional Conditions Work Group meeting, which is end of Phase 1 engagement. Subcommittee members will send comments or approval of the eminent domain principle to the team by April 22. The team will then redistribute the final review draft of the paper with a request for final comments by the end of Phase 1.

Action items are summarized on page 2 of this summary.

***For more information and copies of meeting materials, see the CVFMP website at:***  
<http://www.water.ca.gov/cvfmp>